IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

FRIDAY, THE 8TH JUNE 2007 / 18TH JYAISHTA 1929

OP.No. 11891 of 2001(N)

PETITIONER:

SRI.P.N.VIJAYAKUMAR,
AGED 38 YEARS, S/O.LATE SRI. NARAYANAN,
PANACHIKKAPARAMBIL HOUSE, CHERANELLOOR P.O.,
EDAPPALLY (VIA), ERNAKULAM DISTRICT.

BY ADV. SRI.T.K.RADHAKRISHNAN
SRI.D.ANIL KUMAR

RESPONDENTS:
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1. **KERALA STATE ELECTRICITY BOARD,**
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVAN, THIRUVANANTHAPURAM.

2. **THE CHIEF ENGINEER,**
H.R.M. VYDYUTHI BHAVAN,
THIRUVANANTHAPURAM.

3. **THE EXECUTIVE ENGINEER,**
TRANSMISSION DIVISION,
KALAMASSERY.

4. **THE DEPUTY CHIEF ENGINEER,**
TRANSMISSION CIRCLE, H.M.T. COLONY P.O.,
KALAMASSRY.

BY ADV. SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 08/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.18991/2001 IN OP.NO.11891/2001 N

CLOSED

8/06/2007 **SD/- THOTTATHIL B.RADHAKRISHNAN,JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE LEGAL HEIRSHIP CERTIFICATE DTD. 22/09/1999 ISSUED BY THE TAHSILDAR, KANAYANNUR TALUK.**

EXT.P2: **COPY OF LETTER DTD. 24/11/2000 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER.**

EXT.P3: **COPY OF CERTIFICATE DTD. 31/07/2000 ISSUED BY THE ASSISTANT EXECUTIVE ENGINEER, SUB STATION, VYTTILA.**

/TRUE COPY/

KSS

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 11891 of 2001 (N)

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Dated this the 8th day of June, 2007

J U D G M E N T

Sri.P.N.Krishnankutty, an issueless widower, died on 03/04/1999 while serving the Electricity Board as an Overseer. The petitioner being his youngest brother, applied for appointment on compassionate grounds. The said application was promptly forwarded to the Chief Engineer, Human Resources Management in the Electricity Board. But by letter dated 06/11/2000, the Chief Engineer informed the Deputy Chief Engineer that the petitioner cannot be appointed. The Deputy Chief Engineer, therefore, issued Ext.P2 letter, dated 24/11/2000, stating that the Chief Engineer has informed that the petitioner cannot be appointed on compassionate grounds because in case of married employees, only the spouse and children would be in the priority for appointment. Admittedly, Sri.P.N.Krishnankutty was an issueless widower. The marital status of a person in such a situation should be determined as on

the date of death. The view contained in Ext.P2 that because he was married at one point of time in his life, compassionate appointment on account of his death cannot be given to one of his brothers, though at the time of his death, Sri.P.N.Krishnankutty was an issueless widower, is nothing but perversity. Reasonableness in administrative action ought to have advised authorities to desist from rejecting the petitioner's application, for the reasons stated in Ext.P2.

In the result, the decision contained in Ext.P2 is quashed and it is directed that the case of the petitioner shall be considered for appointment on compassionate grounds, on account of the death of Sri.P.N.Krishnankutty, provided he satisfies all other necessary conditions in terms of the executive decisions governing the field of compassionate appointment in the Electricity Board as on the date of his application. The final action following this judgment shall be taken within three

months from the date of receipt of a copy of this judgment. Original petition is allowed as above. No costs.

THOTTATHIL B.RADHAKRISHNAN
Judge

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THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No. 11891 of 2001 (N)

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J U D G M E N T

8th June, 2007